

INDEXING INSTRUCTIONS: Located in
Section 34, Township 1 South, Range 6 West,
DeSoto County, Mississippi, and recorded in Plat
Book 94 at Page 24 in the Office of the Chancery
Clerk of DeSoto County, Mississippi.

RIGHT-OF-WAY ENCROACHMENT AGREEMENT

WHEREAS, the La Belle Maison Place Property Owners Association, hereinafter referred to as "Association," are the owners of property known as La Belle Maison Place Subdivision, as more particularly described by plat recorded in Plat Book 94, at Page 24 in the Office of the Chancery Clerk of DeSoto County, Mississippi, located in Section 34, Township 1 South, Range 6 West, DeSoto County, Mississippi, hereinafter referred to as "the Subdivision", and

WHEREAS, the afore referenced subdivision gains access via a publicly owned and maintained loop street off of MS Highway 305, and

WHEREAS, the Association is responsible, subject to the rights of the governing authority, for the non-paved portions of rights-of-way of streets or roads that abut Association property, and

WHEREAS, the Association desires to construct an accessory structure (wrought iron fencing) which will encroach upon the City's right-of-way along the primary access road, and

WHEREAS, the Association desires to add a four-foot tall wrought iron fence from the subdivision wooden out-boundary fence, across the adjacent street right-of-way, to the curb line of the street, with the incorporation of two pedestrian gates providing access to the public sidewalks. The Association has proposed to keep the gates across the roadway in a fixed, open position, thereby serving an aesthetic function only, and

WHEREAS, the City Engineer is of the opinion that the improvements pose no hazard to vehicular traffic and, most likely, will not interfere with future road expansion, and

WHEREAS, the City is willing to permit the encroachment under certain conditions.

AND NOW, in consideration of the terms and recitals set forth herein below, the parties hereto agree as follows, to wit:

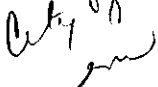
1. The Association be, and it is hereby authorized to construct the above-described improvements in the road right-of-way of La Belle Maison Subdivision at this time.
2. Any maintenance on, or repair of, the improvements shall not interfere with, or cause any hazard to traffic on public rights-of-way within said subdivision.
3. The City shall have no responsibility for the maintenance of the improvements.
4. The City shall have the right to remove, or require the Association, or its incorporated successor in title to any affected property within the Subdivision, to remove the improvements at any time with or without notice, and without compensation to the Association or any successors in title to the Subdivision, or any lots located therein.
5. This Agreement shall be recorded in the Land Records in the Office of the Chancery Clerk of DeSoto County, Mississippi and shall run with the land.
6. The Chancery Clerk is hereby requested to make a marginal notation on the above-referenced subdivision Plat, noting the existence of this Agreement.

SO AGREED, this 19 day of August, 2008.

LA BELLE MAISON PLACE PROPERTY
OWNERS ASSOCIATION

BY: 

BY: _____

City of OB


Witnessed By:

Janette Howard

Witnessed By:

Coke Leskin

BY: Jack R. Pruitt

Witnessed By:

BY: _____

Witnessed By:

BY: _____

Witnessed By:

BY: _____

Witnessed By:

BY: _____

Witnessed By:

BY: _____

Witnessed By:

BY: _____

CITY OF OLIVE BRANCH

BY: Samuel P. Rikard
SAMUEL P. RIKARD, MAYOR

ATTEST:

Judy C. Herrington
JUDY C. HERRINGTON, CITY CLERK

STATE OF MISSISSIPPI

COUNTY OF DESOTO

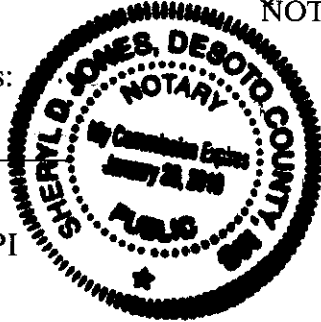
Personally appeared before me, the undersigned authority in and for the said county and state, on this 19th day of August, 2008, within my jurisdiction, the within named Tonette Howard one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that she saw the within named Terry Fortwengler, owner of La Belle Maison Place, whose name is subscribed thereto, sign and deliver the same to the City of Olive Branch after first having been duly authorized by said corporation so to do; and that the affiant subscribed her name as witness thereto in the presence of same.

Janette Howard
Witness

Sheryl D. Jones
NOTARY PUBLIC

My Commission Expires:

1/26/2010




STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 22 day of September, 2008, within my jurisdiction the within named Cole Fesmire, one of the subscribing witnesses to the above and foregoing instrument, who being first duly sworn, states that he/she saw the within named Jack B Pruitt, _____, _____, _____,

_____, _____, _____, _____, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch after first having been duly authorized by said La Belle Maison Place Property Owners Association so to do; and that the affiant subscribed his/her name as witness thereto in the presence of same.

subscribed his/her name as witness to

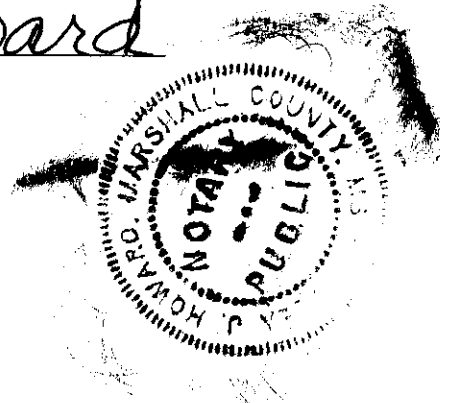


Witness

Nolea G. Howard
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 2, 2010
BONDED THRU STEGALL NOTARY SERVICE



STATE OF MISSISSIPPI

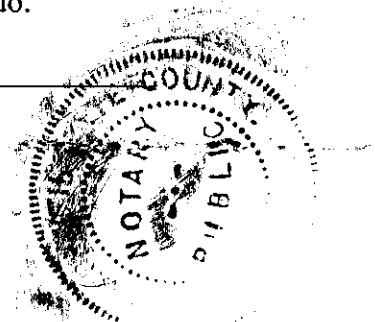
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 34th day of September, 2008, within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized so to do.

Lina Rena Griffith
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES SEPT 25, 2016
BONDED THRU STEGALL NOTARY SERVICE



GRANTOR'S ADDRESS

9849 Hwy. 178
Olive Branch, MS 38654
 Home: 662-359-2021
 Bus.: 662-359-2021

GRANTEE'S ADDRESS

9200 Pigeon Roost Rd.
Olive Branch, MS 38654
Bus.: 662-892-9200
Other: 662-892-9200

Prepared by and return to:

Bryan E. Dye,
City of Olive Branch
9200 Pigeon Roost Road
Olive Branch, MS 38654
(662) 892-9228